IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.150 OF 2007
IN
N.D.P.S.SESSIONS CASE NO.19 OF 2004
(ON THE FILE OF LD.5TH ADL.SESSIONS JUDGE,PUNE)

Yeardala Bhaskar Rao ..Applicant

Vs.

Supdt.of Customs and Anr. ..Respondents

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Ms.Sherali S.Khan advocate for applicant
Mr.D.N.Salvi counsel for Respondent No.1
Ms.R.M.Gandhi A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 17, 2007

P.C.

1. Heard the learned advocate for the applicant, learned counsel for respondent no.1-Customs authorities and the learned A.P.P. for the State.

2. The applicant is facing prosecution under the N.D.P.S.Act for possessing of 250 gms. of Ganja. The applicant has now preferred this application for temporary bail on medical ground. It is the case of the complainant that he is suffering from hip joint problem. A report has been called for from the jail authority. As far as the problem

relating to hip joint is concerned, the applicant had been referred to the hospital and necessary tests including x-rays have been conducted. Treatment for the same is going on. Applicant had earlier preferred an application for temporary bail before the Special Court, Pune wherein by order dated 14.9.2006, the Court directed that the medical expert from the Sasoon General Hospital,Pune is requested to carry thorough medical check-up of the accused in respect of ailment complained of and as advised in the health report dated 28.7.2006 and to provide the best available medical treatment to the accused at the said hospital.

3. Pursuant to the said order, the applicant has been sent to Sasoon General Hospital, Pune. Doctor at Sasoon General hospital advised M.R.I. of the brain and angiography of the applicant. The certificate from Sasoon General hospital showed that M.R.I. is not available at Sasoon General hospital. Therefore, the applicant was transferred from Yerawada Central Prison, Pune to Arthur Road Central Prison, Mumbai and sent to J.J.Hospital. Though the applicant was sent to J.J. hospital on

26.6.2006, 19.1.2007 and 21.1.2007, his M.R.I. and angiography was not carried out. Thereafter, the applicant preferred application dated 3.2.2007 and requested to send him back to Yerawada central prison, Pune. As per his request, he was sent back to Yerawada central prison, Pune. Soon after going back to Yerawada central prison, the applicant has been referred to Sasoon Hospital for expert's treatment and he is receiving medicines regularly as advised by expert doctors in Sasoon hospital.

4. The certificate of Sasoon hospital dated 24.11.2006 clearly shows that MRI of brain and angiography is necessary. In such case, the applicant to be transferred to Arthur Road central prison, Mumbai. He shall be admitted in J.J. hospital and thereafter, all the ailments of the applicant shall be looked into and treated and in addition thereto the above mentioned two tests shall be carried out. The applicant to be admitted in J.J.hospital by 27.4.2007.

5. In view of the above facts, I am not inclined to grant temporary bail to the applicant. Application is rejected. However, the trial is

expedited.

[Smt.V.K.Tahilramani, J.]